

REMARKS

Applicants respectfully request reconsideration of the present application. No new matter has been added to the present application. Claims 1-60 have been rejected in the Office Action, and Applicants have amended claims 1, 21, and 41. Accordingly, claims 1-60 are pending herein. Claims 1-60 are believed to be in condition for allowance and such favorable action is respectfully requested.

Applicants' representative thanks the Examiner for granting a telephonic interview on September 7, 2005. During the interview, differences between the independent claims and the applied art, U.S. Patent No. 5,926,526 to Rapaport et al. (the "Rapaport reference"), were discussed. In particular, Applicant's representative indicated that the claims of the present application are directed towards a computer system for translating medical test results into plain language. In contrast, the system in the Rapaport reference may not receive a medical test result (as that term is used in the present application) and translate the medical test result into a plain language explanation. Instead, the system in the Rapaport reference merely serves as a means to communicate a message to a patient. The system itself performs no translation but must rely on a manual translation from a medical provider. Differences between the claims of the present application and the Rapaport reference discussed during the telephonic interview are described in further detail in the remarks below regarding the claim rejections.

Amendments that were previously made to the independent claims (adding the word "actual") were also discussed during the telephonic interview. The previous amendments were made to clarify the distinction between the claims of the present application and the Rapaport reference. However, the Examiner believes that the amendments presented new matter and has accordingly rejected the claims. Based on the discussion regarding differences between the claims of the present invention and the Rapaport reference during the telephonic interview,

the Examiner indicated that the claim amendments are unnecessary to overcome the rejection based on the Rapaport reference and that the independent claims may be amended to remove the previous amendments.

Rejections based on 35 U.S.C. § 112

Claims 1-60 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. In particular, the claims were rejected because independent claims 1, 21, and 41 were previously amended to indicate the medical test result as an “actual” medical test result, which the Examiner believed to be new matter. As mentioned above, independent claims 1, 21, and 41 have been amended to remove the term “actual.” Accordingly, Applicants respectfully submit that the amendments overcome the rejections based on 35 U.S.C. § 112, first paragraph, and request withdrawal of the rejections.

Rejections based on 35 U.S.C. § 102

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdeggal Brothers v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the . . . claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 2 USPQ 2d 1913, 1920 (Fed. Cir. 1989). *See also*, MPEP § 2131.

Claims 1-60 have been rejected under 35 U.S.C. 102(b) as being anticipated by the Rapaport reference. As the Rapaport reference fails to describe either expressly or inherently, each and every element as set forth in the claims, Applicants respectfully traverse this rejection, as hereinafter set forth.

Independent claim 1, as currently amended, is drawn to a method in a computer system for translating medical test results into plain language. The method comprises receiving a medical test result for a type of medical test, identifying at least one template associated with the type of medical test, selecting a template matching the medical test result, and outputting a plain language explanation based on the selected template.

By way of contrast, the Rapaport reference discloses a patient information retrieval system for notifying patients of medical information. *See Rapaport reference* at Abstract. The system requires a medical provider to manually enter medical information into voice mailboxes by entering and creating bulletins in the mailboxes. *See id.* at Abstract; col. 9, lines 48-60; FIG. 5. The reference discloses several types of bulletins that a medical provider may enter into mailboxes. *See id.* at col. 9, lines 61-62. These bulletins include pre-recorded bulletins consisting of pre-recorded messages and ‘on-the-fly’ bulletins consisting of custom messages recorded by the medical provider. *See id.* at Abstract; col. 9, line 61 through col. 11, line 39.

It is respectfully submitted that the Rapaport reference fails to describe, either expressly or inherently, each and every element as set forth in amended claim 1. First, the Rapaport reference fails to describe, either expressly or inherently, a computer system receiving a medical test result for a type of medical test as recited in amended claim 1. As used in the present application, the term “medical test result” refers to a medical test result that has not yet been translated to a plain language explanation understandable by a patient. This is implicit in the application as the specification and claims otherwise would have no meaning. In contrast, the Rapaport reference discloses a medical professional entering a pre-recorded message or recording a message ‘on-the-fly’ into the system. The pre-recorded and ‘on-the-fly’ bulletins entered and created by a medical provider are different from a medical test result as used in the

present application. The bulletins received by the system in the Rapaport reference comprise messages that are already in a plain language form understandable by a patient as opposed to a medical test result as used in the present application, which is in a form that has not yet been translated to a plain language explanation. Thus, the system in the Rapaport reference does not receive and translate medical test results, it merely communicates plain language messages based on manual interpretations.

In addition, the Rapaport reference fails to describe, either expressly or inherently, a computer system identifying at least one template associated with the type of medical test as also recited in amended claim 1. As noted above, the system in the Rapaport reference merely serves as a way to communicate messages (e.g., interpreted medical test results) to patients and is incapable of receiving and automatically translating medical test results itself. Because the system in the Rapaport reference is incapable of translating medical test results, it is inherently unable to identify a template that corresponds with the type of medical test and must instead rely on a medical provider to manually perform such an identification. In particular, the Rapaport reference describes a list of bulletins corresponding with pre-recorded messages that a medical provider may manually review and use to identify the appropriate bulletins associated with the type of medical test. *See id.* at col. 10, line 46 through col. 11, line 15. For example, if the type of medical test was a pap smear, in the Rapaport reference, a medical professional would have to review the list of bulletins and manually identify bulletins P1 and P2 as being associated with this type of medical test. *See id.* at col. 10, lines 46-47. The system in the Rapaport reference is incapable of automatically identifying these bulletins as being associated with a pap smear medical test. Therefore, the Rapaport reference fails to describe a computer system identifying at least one template associated with the type of medical test as recited in independent claim 1.

Next, the Rapaport reference fails to describe, either expressly or inherently, a computer system selecting a template matching the medical test result as further recited by amended claim 1. Again, the system in the Rapaport reference merely communicates messages to patients and does not automatically translate medical test results. Accordingly, the Rapaport system is unable to select any template and must rely on a medical provider to manually determine an appropriate pre-recorded bulletin and enter a corresponding bulletin number in the system. For example, if the medical test result indicated that a pap smear was negative, in the Rapaport reference, a medical professional would have to review the list of bulletins and manually select bulletin P1 and enter that bulletin number into the system. *See id.* at col. 10, line 46. Thus, the system in the Rapaport reference is incapable of selecting the appropriate bulletin and requires the medical professional to manually select and enter a bulletin number corresponding with the appropriate bulletin. As such, it is clear that the Rapaport reference fails to describe a computer system selecting a template matching the medical test result as recited in independent claim 1.

Still further, the Rapaport reference fails to describe, either expressly or inherently, a computer system outputting a plain language explanation based on the selected template as further recited in amended claim 1. Because the Rapaport reference fails to describe, either expressly or inherently, a system that can select a template corresponding with the medical test result (which has not yet been translated) as cited above, the system cannot output a plain language explanation based on a template selected by the system. Instead, the Rapaport reference discloses a system that provides a pre-recorded message based on a selection made by a medical provider.

As such, it is respectfully submitted that the Rapaport reference fails to describe, either expressly or inherently, each and every element of independent claim 1, as amended

herein. Accordingly, Applicants respectfully request withdrawal of the rejection of claim 1 under 35 U.S.C. § 102(b). Claim 1 is believed to be in condition for allowance and such favorable action is respectfully requested.

Each of claims 2-20 depend directly or indirectly from claim 1, and accordingly, these claims are believed to be in condition for allowance for at least the above-cited reasons. Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. § 102(b) rejections to these claims as well.

Independent claim 21, as currently amended, is drawn to a computer system for translating medical test results into plain language. The computer system comprises a receiving component that receives a medical test result for a type of medical test, an identifying component that identifies at least one template associated with the type of medical test, a selecting component that selects a template matching the medical test result, and an outputting component that outputs a plain language explanation based on the selected template.

It is respectfully submitted that the Rapaport reference fails to describe, either expressly or inherently, each and every element as set forth in amended claim 21. Particularly, the Rapaport reference fails to describe, either expressly or inherently, a receiving component that receives a medical test result for a type of medical test for at least the reasons cited above for claim 1. Additionally, the Rapaport reference fails to describe, either expressly or inherently, an identifying component that identifies at least one template associated with the type of medical test for at least the reasons cited above for claim 1. Further, the Rapaport reference fails to describe, either expressly or inherently, a selecting component that selects a template matching the medical test result for at least the same reasons cited above for claim 1. Still further, the Rapaport reference fails to describe, either expressly or inherently, an outputting component that

outputs a plain language explanation based on the selected template for at least the same reasons cited above for claim 1.

As such, it is respectfully submitted that the Rapaport reference fails to describe, either expressly or inherently, each and every element of independent claim 21, as amended herein. Accordingly, Applicants respectfully request withdrawal of the rejection of claim 21 under 35 U.S.C. § 102(b). Claim 21 is believed to be in condition for allowance and such favorable action is respectfully requested.

Each of claims 22-40 depend directly or indirectly from claim 21, and accordingly, these claims are believed to be in condition for allowance for at least the above-cited reasons. Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. § 102(b) rejections to these claims as well.

Independent claim 41, as currently amended, is drawn to a computer-readable medium containing instructions for controlling a computer system to translate medical test results into plain language by receiving a medical test result for a type of medical test, identifying at least one template associated with the type of medical test, selecting a template matching the medical test result; and outputting a plain language explanation based on the selected template.

It is respectfully submitted that the Rapaport reference fails to describe, either expressly or inherently, each and every element as set forth in amended claim 41. Particularly, the Rapaport reference fails to describe, either expressly or inherently, a computer-readable medium containing instructions for receiving a medical test result for a type of medical test for at least the reasons cited above for claim 1. Additionally, the Rapaport reference fails to describe, either expressly or inherently, a computer-readable medium containing instructions for identifying at least one template associated with the type of medical test for at least the reasons

cited above for claim 1. Further, the Rapaport reference fails to describe, either expressly or inherently, a computer-readable medium containing instructions for selecting a template matching the medical test result for at least the same reasons cited above for claim 1. Still further, the Rapaport reference fails to describe, either expressly or inherently, a computer-readable medium containing instructions for outputting a plain language explanation based on the selected template for at least the same reasons cited above for claim 1.

As such, it is respectfully submitted that the Rapaport reference fails to describe, either expressly or inherently, each and every element of independent claim 41, as amended herein. Accordingly, Applicants respectfully request withdrawal of the rejection of claim 41 under 35 U.S.C. § 102(b). Claim 41 is believed to be in condition for allowance and such favorable action is respectfully requested.

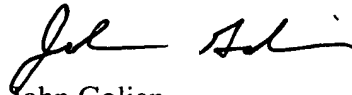
Each of claims 42-60 depend directly or indirectly from claim 41, and accordingly, these claims are believed to be in condition for allowance for at least the above-cited reasons. Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. § 102(b) rejections to these claims as well.

CONCLUSION

For the reasons stated above, claims 1-60 are believed to be in condition for allowance. Applicants respectfully request withdrawal of the pending rejections and allowance of claims 1-60. If any issues remain that would prevent issuance of this application, the Examiner is urged to contact the undersigned by telephone prior to issuing a subsequent action. It is believed that no fee is due in conjunction with the present amendment. However, if this belief is in error, the Commissioner is hereby authorized to charge any amount required (or to credit any overpayment) to Deposit Account No. 19-2112.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read 'John Golian', written in a cursive style.

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